

EXCEPTIONAL SENTENCES

Under provisions of the Sentencing Reform Act (SRA), every adult felony offense has a presumed range of punishment determined by the seriousness of the offense, by the number and type of other current offenses and by the number and type of prior adult and juvenile offenses. The presumptive range for certain offenses may be increased for weapon usage, for dealing drugs in a school or other protected zone or for certain drug offenses committed in a correctional facility. The presumptive range is decreased by 25 percent if the current offense is an attempt, conspiracy or solicitation to commit a felony. Some alternative sentences are possible under the First-time Offender Waiver (FTOW) for first time offenders, excluding violent, sex or certain drug offenders. In addition, the Special Sex Offender Sentencing Alternative (SSOSA) allows suspended sentences for certain offenders, and the Drug Offender Sentencing Alternative (DOSA) allows for reduced confinement time for eligible offenders.

The SRA presumes that, in most cases, a sentencing judge will impose a sentence within the standard range for the offense. An exceptional sentence is a sentence outside the standard range. (Alternative sentences under FTOW, SSOSA or DOSA are not considered exceptional sentences.) An exceptional sentence is allowed if there are substantial and compelling reasons supported by the record. The judge is required to record these reasons in writing. Some exceptional sentences do not result in incarceration outside the standard range, but are used to provide sentence conditions not otherwise permitted (*e.g.*, lengthy community supervision). Exceptional sentences may be appealed by the prosecution or the defense.

The following tables summarize the reasons recorded by sentencing judges when imposing exceptional sentences. Reasons are summarized separately for mitigated sentences, aggravated sentences and sentences within the standard range.

Table 15.
Mitigated Exceptional Sentence Reasons

REASON	NUMBER
All parties agreed to mitigated sentence.	155
Capacity to appreciate the wrongfulness was significantly impaired.	31
The multiple offense policy results in a clearly excessive presumptive sent.	26
Assisted law enforcement/agreed to help in prosecution of codefendant.	25
For defendant's rehabilitation or treatment.	23
Other mitigating factor.	23
Small quantity of drugs involved.	17
Crime committed under duress, coercion, threat, or compulsion.	16
The defendant's mental condition.	14
Exceptional sentence is more appropriate/is in the interests of justice.	13
With no apparent predisposition, was induced by others to participate.	11
Multiple drug offenses were initiated by law enforcement.	11
Victim was an initiator, willing participant, aggressor, or provoker.	10
Defendant's physical condition.	10
The defendant's role was minor.	10
To make frugal use of the state's resources.	9
No prior convictions or they are remote in time.	7
Defendant is addressing psychological problem.	7
Defendant is addicted to drugs or alcohol.	7
Victim or family requests lower sentence.	6
Defendant's actions did not intend crime or harm.	6
Before detection, the defendant compensated victim, or made effort.	5
Defendant's age.	4
Defendant is making an effort to change criminal behavior or demonstrates a desire to do so.	4
The delay in filing the case was lengthy.	4
The current offense was less serious than similar crimes of this nature.	4
Offense principally accomplished by another, defendant caution or concern.	3
Exceptional sentence is one day less than range.	3
Prison would be detrimental.	3
Defendant is employed, in school, or has had commendable employment record or military service.	3
Offense is response to victim's abuse of defendant or defendant's children.	2
Defendant is remorseful.	2

REASON	NUMBER
Defendant paid restitution or accepts responsibility for paying it.	2
Defendant to be deported or released into the custody of INS.	2
Confession before apprehension.	1
If given credit for good time, sentence is already served.	1
Defendant should be sentenced according to agreed range (clerical error).	1
Nature of the offense.	1
Defendant is a battered woman.	1
No injury to the victim.	1
Relationship with the victim.	1
Strong relationship between drug or alcohol addiction and criminal activity.	1
Defendant has community or family support.	1
Defendant is providing support to dependents.	1
The defendant played an accomplice role.	1
The defendant is addressing an alcohol problem.	1
Defendant was sentenced to Work Ethic Camp.	1

Total Reasons: 491

Total Mitigated Sentences: 353

Total Reasons Per Case: 1.4